

FILED

FEB 03 2014

JULIE A. RICHARDS, CLERK
US DISTRICT COURT, EDNC
BY CRS ESP CLK

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF NORTH CAROLINA

Southern DIVISION

Phyllis Latka)
)
)

(Enter above the full name
of the Plaintiff[s] in this
action).

Case No. 7:14-cv-10-FL
(To be assigned
by the Clerk of
District Court)

vs.

Dr. David Miles)
)
)

New Hanover Regional
Medical Center)
)
)

(Enter above the full name of
ALL Defendant[s] in this action.
Fed.R.Civ.P.10(a) requires that
the caption of the complaint
include the names of all the
parties. Merely listing one
party and "et al." is insufficient.
Please attach additional sheets if
necessary).

COMPLAINT

Plaintiff resides at: 101-53-105 St.
Ozone Park, N.Y. 11416

Defendant(s) name(s) and address(es), if known: _____

Dr. David Miles
1717 Shipyard Blvd, Wilmington, N.C. 28401
New Hanover Regional Medical Center
2131 - South 17th St.
Wilmington N.C. 28401

Jurisdiction in this court is based on: -----

The acts complained of in this suit concern: -----

My husband Lester Latka was admitted to New Hanover Hospital under Dr. David Miles (surgeon) on Sept 13, 2011 for a hernia operation. On Sept 14 he started to show signs of internal bleeding. Heart rate was up to 128 beats per minute. Nothing was done. There were no meds given and there was no consultation with a cardiologist. There were no tests administered. The surgeon - Dr. Miles according to the records injected Marcaine - which is a vasodilator during surgery. This would cause more bleeding. Lester's stomach was very distended and had a flank hematoma and ecchymosis. This is a sign of acute retroperitoneal bleeding. This was never addressed. Lester was also vomiting dark blood which is a sign of old blood - meaning it started from day one. Lester also had old dark blood in his stools. Again nothing was done. No Cat Scan. No meds given. Lester was very nervous and couldn't eat.

This was never addressed. He also had acute renal failure after surgery. Nothing was given to correct this - no IV fluids. This would have corrected this immediately.

The surgeon closed the incision in the operating room without achieving hemostasis with normal blood pressure. The surgeon also performed a ilioinguinal neurectomy. This is not standard of care. He did not follow up on Lester's progress. He handed over his responsibilities to the hospitalists and nurses who also didn't address any of these serious signs of internal bleeding. As a result Lester bled to death on Sept 18, 2011.

No one came to his rescue

(If you need more space, or wish to include any further information for consideration, please attach additional sheets.)

I seek the following relief:

I want these doctors, nurses and the hospital to be accountable for their low standard of care that was given to my husband. As a result I have lost everything. The love of my life. My protector, companion, best friend, father of my children, grandfather of my grandchildren. I have also lost his earnings of about \$3,100 a month. Because of this my house went into foreclosure. This forced me to move back to N.Y. with my family around. I would like justice and

Payment for my losses. Lester was also a Vietnam Veteran with 100% service connected disability due to Post Traumatic

Jan. 13, 2014
Date

Signature of Plaintiff

Phyllis Latka

101-53-105 St

#516-633-

Ozone Park N.Y. 11416

2078

Address and Telephone Number of Plaintiff